

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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Adams, individually and on behalf of all	:	
similarly situated individuals,	:	
	:	Case No. 2:18-cv-134
Plaintiff,	:	
	:	Judge Sarah Morrison
v.	:	
	:	Magistrate Judge Deavers
Central Ohio Elderly Care, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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CONSENT JUDGMENT

This cause came to be heard and was submitted to the Court upon the Complaint of Plaintiff Misti Adams (“Plaintiff Adams”), on behalf of herself and similarly situated employees, alleging claims under the Fair Labor Standards Act of 1938 (“FSLA”), 29 U.S.C. §§201, *et. seq.*, the Ohio Minimum Fair Wage Standards Act (“the Ohio Wage Act”), O.R.C. §4111, *et. seq.*, the Ohio Prompt Pay Act (“the OPPA”), Ohio Revised Code §4113.15, and the Ohio Constitution, Oh. Const. Art. II, §34 (“the Ohio Wage Act, the OPPA and the Ohio Constitution are collectively referred to as “the Ohio Acts”); the Answer of Defendants Central Ohio Elderly Care, LLC, (“COEC”), Central Ohio Elderly Care Plus, LLC (“COEC Plus”), and Osman Hassan (“Defendants”); and the consent of Defendants.

The Court finds that all necessary parties have been served with summons according to law and are properly before the Court.

The Court finds that Defendants have agreed and consented to the entry of judgment and that Plaintiff shall stay execution of this entry of judgment as agreed by the parties so long as Defendants make the required initial and monthly payments.¹

The Court further finds that Plaintiffs shall not execute upon this entry of judgment while Defendants make monthly payments. If Defendants fail to make any payment required by Exhibit 1 and it is not cured within fifteen (15) days of notice, Plaintiffs shall file a notice of breach with this Court, serve the same upon Defendant, and thereafter may execute on the Judgment. If Defendants make total payments of One Hundred and Twenty Thousand Dollars (\$120,000) as provided by Exhibit 1 and the schedule therein, Plaintiff shall move this court to vacate the judgment and dismiss this case with prejudice. The One Hundred and Twenty Thousand Dollars (\$120,000) represents Sixty One Thousand (\$61,000) in total payments to Plaintiff Adams and the eighteen (18) opt-in Plaintiffs who joined the Action by opting into the same for their claims pursuant to the FSLA and the Ohio Acts; a Three Thousand Dollar (\$3,000) Service Award to Plaintiff Adams for her services provided in this Action on behalf of the Plaintiffs who opted in; and a Fifty-Six Thousand (\$56,000) total payment to the law firm of Contreras Law, LLC (“Contreras Law”) for reasonable attorneys’ fees and litigation expenses.

The Parties agree and the Court further finds that there is no just reason for delay in entering judgment herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that a consent judgment is entered against of Defendants Central Ohio Elderly Care, LLC, Central Ohio Elderly Care Plus,

¹ See Payment Schedule for Consent Judgment attached as Exhibit 1.

LLC, and Osman Hassan, jointly and severally, in the amount of One Hundred and Twenty Thousand Dollars (\$120,000) as provided by Exhibit 1 and the schedule therein on all claims in this action and that Defendants consented to the entry of judgment, and that Plaintiff shall stay execution of this entry of judgment as agreed by the parties so long as Defendants make the initial payment and thereafter monthly payments according to the Payment Schedule attached to this Consent Judgment.

The Court finds that half of the total payments to Plaintiffs are to be treated as gross payroll wage amounts and shall be paid to Plaintiffs less all applicable withholdings and deductions as required by law and as provide by the payment schedule attached hereto. The Court Orders Defendants to pay the employer's portion of the payroll taxes from funds outside of the judgment.

The Court further finds that the other half of the total payments to Plaintiffs are to be treated as gross amounts for statutory damages and shall be paid to Plaintiffs with no deductions or withholdings therefrom and as provided in the payment schedule attached hereto.

Defendants are to issue the Plaintiffs an IRS Tax Form W-2 for wage payments that Plaintiffs receives in accordance with this Consent Judgment that are subject to applicable withholdings. The Court further orders that the Defendants shall also issue Plaintiffs an IRS Tax Form 1099-MISC for payments made with no deductions or withholdings therefrom for statutory damages.

Defendants shall also issue Contreras Law an IRS Tax Form 1099-MISC for payments Contreras Law receives in accordance with this Consent Judgment.

The Court further finds that Plaintiffs and Contreras Law shall not execute upon this entry of judgment while Defendants make payments required by Exhibit 1. If Defendants fail to make the initial or a monthly payment and the payment is not cured within fifteen (15) days of notice,

Plaintiffs and Contreras Law shall file a notice of breach with this Court, serve the same upon Defendants, and thereafter may execute on the Judgment. If Defendants make total payments of One Hundred and Twenty Thousand Dollars (\$120,000) as provided by Exhibit 1, Plaintiffs shall move this court to vacate the judgment and dismiss this case with prejudice.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE

STIPULATED AND AGREED:

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